

REMARKS

Claims 1, 3, 5-10, and 12-13 are pending in this application.

The Office Action rejects claims 1, 3, 5-10 and 12 under 35 U.S.C. § 103(a) as being obvious over JP 9-220524 in view of Kawabata (U.S. Patent No. 4,442,140). Somewhat similarly, the Office Action rejects claim 13 under 35 U.S.C. § 103(a) as being obvious over JP 9-220524 in view of Kawabata and further in view of EP 913,447. These rejections are traversed.

As the Office Action notes, "JP 9-220524 and Kawabata cannot be properly combined" to which "[t]he Examiner agrees" (see the second and third paragraph on page 3 of the Office Action).

However, the Office Action asserts that "[t]he fact that [Kawabata] does not want to utilize harmful solvents does not mean that the solvents are not utilized at all" (third paragraph on page 3 of the Office Action).

However, Applicants respectfully note that Kawabata et al. clearly discloses that their aqueous composition has the unique feature that "it contains no solvent" (Kawabata et al. column 5, line 32).

Thus, Kawabata clearly would have suggested to those of skill in the art to use "no solvent." Thus, Applicants respectfully submit that Kawabata clearly teaches against the presently claimed invention, which requires solvent. Thus, it is again respectfully submitted that the presently claimed invention would not have been obvious over the combination of JP 9-220524 and Kawabata.

However, as the Examiner notes, Kawabata does disclose the inclusion of "morpholine" (column 6, line 14). The Examiner asserts that morpholine is a solvent and that Kawabata therefore teaches the inclusion of a solvent.

Contrary to the Examiner's allegation, however, morpholine is not a solvent, because it reacted with oleic acid to produce a soap that worked as an emulsifier. In Example 1, step (ii) of the reference, a white wax emulsion was obtained. The emulsifier resulting from the reaction of morpholine and oleic acid functioned in this step. Since morpholine took part in the reaction to produce the emulsifier, the compound in question was not a solvent.

As the Examiner pointed out, morpholine was not operatively removed from the emulsion. Generally, when an emulsifier is prepared from morpholine, morpholine volatilizes from the surface of the emulsion with time. So, the operator does not have to remove morpholine from the composition. In the example of the reference, the compound volatilized from the resulting composition. Needless to say, the resulting aqueous composition did not include morpholine.

In conclusion, the Office Action is incorrect in considering morpholine to be a solvent. Kawabata et al. clearly disclose that their aqueous composition had the unique feature that it contains no solvent. Also, Kawabata et al. would clearly have suggested to those of skill in the art to use no solvent. Since they teach against the present claims, the claimed invention would not have been obvious over the combination of JP 9-220524 and Kawabata et al.

Thus, for at least the above reasons, reconsideration and withdrawal of the outstanding obviousness rejections under 35 U.S.C. § 103(a) are respectfully submitted.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. In the event that any additional fees are due with respect to the filing of this paper the Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, **referencing attorney docket number 108915-00003.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Carpenter", written over a horizontal line.

Robert K. Carpenter
Registration No. 34,794

Customer No. 004372
ARENT FOX, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810
RKC/tdd